

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

**CONSTRUCTION LABORERS TRUST
FUNDS FOR SOUTHERN
CALIFORNIA ADMINISTRATIVE
COMPANY, a Delaware limited liability
company,**

Plaintiff,

VS.

**LUCKY WATER TRUCKS, LLC., a
California Limited Liability Company,**

Defendants.

CASE NO.: 2:17-cv-02160 SJO (JPRx)

**[PROPOSED]
DEFAULT JUDGMENT AGAINST
DEFENDANT LUCKY WATER
TRUCKS, LLC.**

DATE: OCTOBER 16, 2017
TIME: 10:00 a.m.
PLACE: COURTROOM 10C
350 W. 1st Street
Los Angeles, CA 90012

The Defendant, LUCKY WATER TRUCKS, LLC, a California Limited Liability Company (“EMPLOYER”) having been regularly served with process and having failed to appear and answer the Plaintiff’s Complaint, the Default of EMPLOYER has been entered.

EMPLOYER is not an infant or incompetent person, and the Servicemembers Civil Relief Act of 2003 is not applicable to this suit or to the EMPLOYER.

The issue of the amount of damages was submitted to the Court by motion supported by Declarations. Based upon the Motion for Default Judgment and the Declarations submitted and all other records and documents on file;

1 IT IS HEREBY ORDERED ADJUDGED AND DECREED that:
2 Judgment is entered in favor of Plaintiff, **CONSTRUCTION LABORERS TRUST**
3 **FUNDS FOR SOUTHERN CALIFORNIA ADMINISTRATIVE COMPANY,**
4 **LLC**, the administrator, agent for collection and a fiduciary to the Laborers Health
5 And Welfare Trust Fund For Southern California, Construction Laborers Pension Trust
6 For Southern California, Construction Laborers Vacation Trust For Southern
7 California, Laborers Training And Re-Training Trust Fund For Southern California,
8 Fund For Construction Industry Advancement, and Laborers Contract Administration
9 Trust Fund For Southern California (hereinafter collectively "TRUST FUNDS"), **and**
10 **against Defendant, LUCKY WATER TRUCKS, LLC.**, a California limited
11 liability company as follows:

12 A. **For monetary damages in the sum of \$15,209.99 as follows:**

PRINCIPAL:	\$12,063.03
INTEREST:	\$ 1,263.10
ATTORNEY'S FEES:	\$ 1,323.78
COSTS:	<u>\$ 560.08</u>
TOTAL:	\$15,209.99

18 The money Judgment to be entered in this action is for known delinquencies
19 incurred for the period from February 2015 to October 2015; however, since Plaintiff
20 has not completed an audit of EMPLOYER'S records, this Judgment is without
21 prejudice to Plaintiff's right to seek in a subsequent lawsuit any additional sums
22 against EMPLOYER that may be discovered through an audit or through additional
23 claims that may be submitted by employees for contributions due.

24 B. **For a Final Order for Accounting:**

25 **IT IS FURTHER ORDERED that EMPLOYER, and/or its accountants,**
26 managing members, including Joe Duarte, agents, and all persons acting by, through,
27 or in concert with EMPLOYER be compelled to forthwith submit to an audit of

1 EMPLOYER'S payroll and business records and that they produce EMPLOYER'S
2 payroll and business records to the TRUST FUNDS as follows:

3 **(1). From February 18, 2015 to the date of the audit, the following**
4 **documents:**

5 a. All payroll and employee documents including, but not
6 limited to, EMPLOYER'S payroll journals, employees earning records,
7 certified payrolls, payroll check books and stubs, canceled payroll
8 checks, payroll time cards, state and federal payroll tax returns, labor
9 distribution journals, any other documents reflecting the number of
10 hours which EMPLOYER'S, employees worked, their names, social
11 security numbers, addresses, job classifications and the projects on
12 which the employees performed their work.

13 b. All EMPLOYER'S job files for each contract, project or
14 job on which EMPLOYER worked, including all documents,
15 agreements, and contracts between EMPLOYER, and any general
16 contractor, subcontractor, builder and/or developer, field records, job
17 records, notices, project logs, supervisor's diaries or notes, employees
18 diaries, memorandum, releases and any other documents which related
19 to the supervision of EMPLOYER'S employees and the projects on
20 which they performed their work.

21 c. All EMPLOYER'S, documents related to cash receipts,
22 including but not limited to, the cash receipts journals, accounts
23 receivable journal, accounts receivable subsidiary ledgers and billing
24 invoices for all contracts, projects or jobs on which EMPLOYER
25 worked.

26 d. All EMPLOYER'S, bank statements for all checking,
27 savings and investment accounts.

28 e. All EMPLOYER'S documents related to cash

1 disbursements, including but not limited to, vendors' invoices, cash
2 disbursement journal, accounts payable journals, check registers,
3 cancelled checks and all other documents which indicate cash
4 disbursements.

5 f. All Monthly Report Forms submitted by EMPLOYER to
6 any union trust fund.

7 g. Documents, records, or other writings pertaining to and
8 including the checks/payments issued to any person, company and/or
9 subcontractor relating to work performed on EMPLOYER'S
10 construction projects, including but not limited to day laborers, or other
11 non-union workers hired to work on EMPLOYER'S projects.

12 (2). If EMPLOYER's records have been destroyed, and the
13 documents are not maintained in electronic format or otherwise maintained by
14 EMPLOYER'S bookkeeper and/or accountant and/or attorneys, EMPLOYER
15 is directed to authorize the TRUST FUNDS to obtain the State and Federal
16 Quarterly Tax returns from the State of California Employment Development
17 Department and from the Internal Revenue Service

18
19 DATED:

20 _____
21 S. JAMES OTERO
22 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 3550 Wilshire Boulevard, Suite 2000, Los Angeles, California 90010.

On August 25, 2017, I served the foregoing document described as
[PROPOSED] DEFAULT JUDGMENT AGAINST DEFENDANT
LUCKY WATER TRUCKS, LLC., on the interested parties in this action by placing

the original a true copy thereof

enclosed in a sealed envelope addressed as follows:

Mr. Joey Duarte

Lucky Water Trucks, LLC

Mohave Valley, Arizona

Leona Valley, CA

Attn: Joey Duarte

- (By Mail) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
 - (By Personal Service) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on **August 25, 2017**, at Los Angeles, California.

- (Federal Court) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Virginia Alvarez
Virginia Alvarez